

UTILITIES DIVISION[199]

Notice of Intended Action

Proposing rule making related to electric vehicle charging services and providing an opportunity for public comment

The Utilities Board hereby proposes to amend Chapter 20, “Service Supplied by Electric Utilities,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 476.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 476.1 and 476.25.

Purpose and Summary

On July 27, 2018, Iowa 80 Truckstop, Inc. and Truckstops of Iowa, Inc. (collectively Truckstops), filed a Petition for Declaratory Order with the Utilities Board challenging an Interstate Power and Light Company (IPL) tariff which prohibited IPL electric customers from providing electric vehicle charging services at commercial and public stations on a per kWh basis. On August 27, 2018, the Board denied the request for declaratory relief and instead initiated a rule making regarding electric vehicle charging infrastructure and charging in Docket No. RMU-2018-0100. On October 17, 2018, the Board held a workshop and received 23 comments. From the utility industry, the Board received comments from the Iowa Association of Municipal Utilities (IAMU), MidAmerican Energy Company (MidAmerican), IPL, and the Iowa Association of Electric Cooperatives (IAEC). The Board also received comments from businesses, including the Truckstops; Tesla, Inc.; Siemens Digital Grid; ChargePoint, Inc.; and Kwik Trip, Inc. Other stakeholders filed comments, including the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice; the Environmental Law and Policy Center and the Iowa Environmental Council (Environmental Advocates); the Iowa Chapter of the Sierra Club (Sierra Club); Americans for Prosperity; the Energy Equality Coalition; the Electric Auto Association; and the Alliance for Transportation Electrification.

Taking into consideration the information presented at the workshop and the comments received, on February 6, 2019, the Board issued an order requesting stakeholder comment on potential rule changes in which the Board requested comments on proposed rule language for Chapter 20. The Board received comments from the Truckstops, OCA, the Environmental Advocates, the Sierra Club, IAEC and IAMU, IPL, the Alliance for Transportation Electrification, MidAmerican, Greenlots, ChargePoint, Inc., and other interested individuals.

The Board issued an order on April 19, 2019, commencing this rule making. The order is available on the Board’s electronic filing system, efs.iowa.gov, under Docket No. RMU-2018-0100.

Fiscal Impact

Because proposed rule 199—20.20(476) simply clarifies that electric vehicle charging stations are not public utilities so the stations do not fall under the scope of the Board’s regulatory authority, it is anticipated the amendment will have no fiscal impact.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

No waiver provision is included in the proposed amendment because the Board has a general waiver provision in rule 199—1.3(17A,474,476) that provides procedures for requesting a waiver of the rules in this chapter.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on May 28, 2019. Comments should be directed to:

Iowa Utilities Board
Electronic Filing System (EFS) at efs.iowa.gov
Phone: 515.725.7337
Email: efshelpdesk@iub.iowa.gov

Public Hearing

An oral presentation at which persons may present their views orally or in writing will be held as follows:

June 12, 2019
9 to 11 a.m.

Board Hearing Room
1375 East Court Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the oral presentation may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the oral presentation and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** rule 199—20.20(476):

199—20.20(476) Electric vehicle charging service.

20.20(1) Electric energy sold for the purpose of electric vehicle charging at a commercial or public electric vehicle charging station constitutes neither the furnishing of electricity to the public nor the resale of electric service. If the electricity used for electric vehicle charging is obtained from a rate-regulated public utility, the terms and conditions of the service to the electric vehicle charging station shall be governed by and subject to the utility's filed tariff. A rate-regulated public utility shall not, through its filed tariff, prohibit electric vehicle charging or restrict the method of sale of electric vehicle charging at a commercial or public electric vehicle charging station.

20.20(2) A person, partnership, business association, or corporation, foreign or domestic, furnishing electricity to a commercial or public electric vehicle charging station shall comply with Iowa Code section 476.25.

20.20(3) Electric utilities and entities providing commercial or public electric vehicle charging shall comply with all applicable statutes and regulations governing the provision of electric vehicle charging

service, including, but not limited to, all taxing requirements, and shall, if necessary, file all appropriate tariffs.